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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,715	09/06/2003	Robert W. Holland	KLW 001 P2	8790

7590 11/29/2006
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EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/655,715

Applicant(s)

HOLLAND ET AL.

Examiner

Robert J. Popovics

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

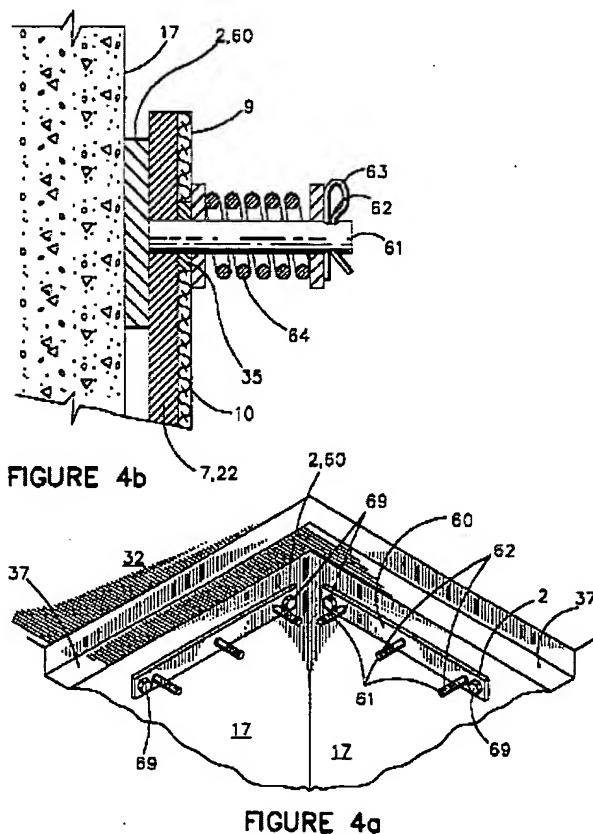
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 103***

Claims **9-10** and **12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over the teachings of **Bamer (US 5,820,762)** and **optionally, Schilling (US 6,562,233)** or **Van Egmond (US 5,511,904)**. Claim 9 essentially differs from Bamer by specifying anchoring rods. The use of conventional means (i.e., rods) to secure things is well known in the art. Schilling provides an example of this, see the securing means in Figures 4a and 4b.



Van Egmond discloses an example of “**vertical**” connecting rods in a similar system. It is submitted that it would have been obvious to employ conventionally known

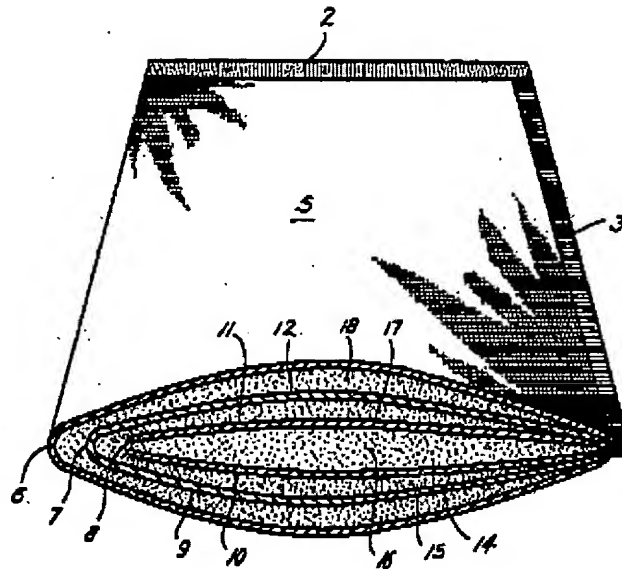
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anchoring rods as an alternative/additional securing means, in the system of Bamer. In this regard, the use of vertically oriented rods would have been obvious to those skilled in the art in those situations where it would be difficult to attach rods to the sidewalls, especially in tight places or retrofit applications.

Claim Rejections - 35 USC § 102

Claims **1,2** and **5-8** are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Rink (US 6,143,172)**. See Fig. 11 and column 11, lines 50-65 for example. Some of the planar sections as depicted in Fig. 11 will inevitably end up “directly adjacent said bottom surface.” Thus, that claim limitation is submitted to be inherently met or readily apparent to those skilled in the art. Also, and alternatively, see Fig. 8 which depicts webbing (i.e., “enclosure”) and mesh (i.e., “planar sheetform member”).

Claims **1,2** and **4-8** are rejected under 35 U.S.C. 102(b) as being anticipated by **Holland (US 5,324,429)**. See Fig. 3. Any portion that can be grasped (such as a fold of material) is seen to meet the claimed “retrieval means.”



Claims 6-8 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over **Holland (US 5,324,429)**. The use of handles, loops, rope, fabric, etc. to aid in manipulating or removing treatment devices is notoriously well known in the art. As such, the incorporation of handles or "retrieval means" would have been exceedingly obvious, and certainly not a patentably distinguishing feature.

Claims 1,2 and 4-8 rejected under 35 U.S.C. 102(b) as being anticipated by **Gannon (US 6,485,639)**. See column 7, lines 20-35, where the disclosed netting is seen to meet "planar sheetform member." Also see column 6, lines 56-58. Any portion that can be grasped (such as a fold of material) is seen to meet the claimed "retrieval means."

Claim Rejections - 35 USC § 112

Claims 1,2,4-10 and 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what Applicants intend by the recitations “**container**” and “**enclosure**” in the context used, or how, if at all, Applicants intend these terms to differ.

Claims **9,10** and **12-15** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation “**said anchoring rods extending vertically upwardly from and connected to said base of said coalescer chamber**” does not find clear support in the originally filed specification.

Response to Arguments

Applicant's arguments with respect to claims **1-2,4-10** and **12-15** have been considered but are moot in view of the new ground(s) of rejection. It is noted that Applicants did not challenge the Examiner's assertion that “The use of conventional means (i.e., rods) to secure things is well known in the art.” Applicants' acquiescence on this point is acknowledged.

Information Disclosure Statement

In the spirit of compliance with 37 CFR 1.56, 1.97 and 1.98, it is requested that Applicants reveal the source of the “**Prior Art**” depicted in Figures 1 and 2, and officially make them of record via a PTO-1449.

Drawings

The drawings were received on **December 18, 2003**. These drawings are not approved. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “**pair of**

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retrieval means” as recited in claim 8 (as it depends from claim 6 and claim 1), as well as a depiction of the embodiment embraced by claims 1 and 12, clearly illustrating the **“flexible enclosure containing a planar sheetform member, said sheetform member being placed in the interior of said flexible enclosure directly adjacent said bottom surface,”** the **“sheetform member is secured to said bottom surface,”** as recited in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter will be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because In Fig. 3, “11” “111” and “100” all appear to refer to the same thing. Also, at least reference numerals “125” and “124a” do not appear to be referring to the same components in each of Fig. 3 & 4. Additionally, the **“cross-section”** of Fig. 3 as depicted in Fig. 4, does not appear to accurately illustrate the cross-section indicated in Fig. 3, as the component indicated by reference numeral “125” in Fig. 4 is not illustrated in Fig. 3, nor are the details of “121” and “126” as compared to Fig. 4. Moreover, reference numerals “121” and “126,” appear to have undergone a role reversal when Fig. 3 and Fig. 4 are compared. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to

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the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Amendment

The amendment filed **December 18, 2003** is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "**thickened**" line segments illustrated in New Fig. 7; deletion of "**rod 125**" from original Fig. 3; addition of details of "**117**" in new Fig. 3.

Applicant is required to cancel the new matter in the reply to this Office Action.

Any inquiry concerning this communication should be directed to Robert J. Popovics at telephone number (571) 272-1164.

A handwritten signature in black ink, appearing to read 'R. J. Popovics', with a stylized flourish underneath.

**Robert James Popovics
Primary Examiner
Art Unit 1724**